



Docket No.: 243433US2SX

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

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RE: Application Serial No.: 10/673,247

Applicants: Koji YAMAKAWA, et al.

Filing Date: September 30, 2003

For: SEMICONDUCTOR DEVICE AND METHOD FOR  
MANUFACTURING THE SAME

Group Art Unit: 1765

Examiner: TRAN, BINH X

SIR:

Attached hereto for filing are the following papers:

**PROVISIONAL ELECTION**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
KOJI YAMAKAWA, ET AL. : EXAMINER: TRAN, BINH X  
SERIAL NO: 10/673,247 :  
FILED: SEPTEMBER 30, 2003 : GROUP ART UNIT: 1765  
FOR: SEMICONDUCTOR DEVICE AND :  
METHOD FOR MANUFACTURING THE  
SAME

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS  
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SIR:

In response to the election requirement dated September 27, 2005, Applicants provisionally elects with traverse Group 1, Claims 1-6 drawn to process, classified in class 438, subclass 689, for further examination on the merits. Applicants reserve the right to file one or more divisional applications directed to the non-elected invention.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct inventions, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action identifies different search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may